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March 6, 1995

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: MM Docket No. 94-155, RM 8468
(Big Pine Key, Key Colony Beach, Naples, and Tice, Florida)

Dear Mr. Caton:

Transmitted herewith on behalf of Gulf Communications Partnership are an original and four copies of its "Reply Comments" in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.

Howard M. Weiss
Counsel for
Gulf Communications Partnership

HMW/rhw
Enclosures

ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of	)
	)
Amendment of Section 73.202(b),	)
Table of Allotments,	)
FM Broadcast Stations	)
(Big Pine Key, Key Colony Beach,	)
Naples, and Tice, Florida).	)

REPLY COMMENTS

Gulf Communications Partnership ("Gulf"), permittee of Station WAAD(FM), Tice, Florida, by its attorneys, hereby submits its Reply Comments in the above-captioned proceeding. With respect thereto, the following is stated:

1. These Reply Comments respond to the "Comments on Notice of Proposed Rulemaking and Opposition to Order to Show Cause" submitted on February 16, 1995, by The Palmer Broadcast Group ("Palmer"), licensee of WNOG-FM, Naples, Florida. As set forth in the Commission's Notice of Proposed Rulemaking and Order to Show Cause, DA 94-1501, released December 27, 1995 ("NPRM"), Gulf has proposed to substitute Channel 229C2 for Channel 229A at Tice, Florida, and to modify Gulf's construction permit to specify operation on the higher class channel.[1] In order to

---

[1] In its "Comments and Counterproposal" filed in this proceeding on February 17, 1995, Gulf also has proposed that Channel 299C2 be allotted to Estero, Florida, in lieu of Tice. That counterproposal is not relevant to the issues addressed in these Reply Comments, however.

accommodate this upgrade, Gulf also proposed the substitution of Channel 284A for Channel 228A at Naples and the modification of WNOG-FM's license to specify operation on Channel 284A.[2]

2. Palmer's Comments oppose the requested change in the authorized channel for WNOG-FM. The Commission has stated that in order for a proposed channel change to be successfully resisted, the affected licensee must raise "a substantial and material question of fact" or demonstrate "sufficient reasons why the public interest would not be served by the proposed modification." Modification of FM or Television Licenses, 2 FCC Rcd 3327, 3328 (1987). A simple desire to avoid change is insufficient. Palmer has failed to meet its heavy burden under this policy.

3. In its NPRM, the Commission has made an initial determination that the proposed channel substitutions appear to serve the public interest. Palmer has not demonstrated substantial evidence supporting a contrary conclusion. Upon close examination, Palmer's arguments either are irrelevant to the instant allotment proceeding or are of insufficient weight to merit a reversal of the Commission's initial finding that the

---

[2] Gulf further requested the substitution of Channel 283C for Channel 284C at Big Pine Key, Florida, and the modification of Station WWUS's license to specify Channel 283C, together with the substitution of Channel 267C2 for Channel 288C2 at Key Colony Beach, Florida, and the modification of Station WKKB(FM)'s construction permit to specify Channel 267C2. On February 17, 1995, Amaturo Group, Ltd, WSUV, Inc., GGG Broadcasting, Inc., and Glades Media Company filed "Joint Comments and Counterproposal" proposing another mutually exclusive allotment scheme. Gulf will address this counterproposal in a timely separate submission.

proposed channel substitutions would be in the public interest. Furthermore, Gulf is aware of its obligation to reimburse Palmer for its reasonable expenses associated with the change in frequency, and Gulf has already undertaken and is prepared to meet that obligation.

4. Palmer begins with a recitation of the history of its ownership of three stations in Naples and the past accomplishments of two of those stations, WNOG(AM) and WCVU(FM). Whatever the merits of this past broadcast record, however, it is simply irrelevant to the allocations analysis in this proceeding. The Commission has not permitted stations to resist channel changes based on tenure. In any event, the two stations which Palmer has owned for a considerable period of time are not involved in this proceeding, and no changes whatsoever are proposed for them. The only station affected by the instant proceeding is WNOG-FM, purchased by Palmer approximately two years ago in 1993. Obviously, the history of WNOG-FM's public service with Palmer as licensee is limited to the period since 1993, hardly a lengthy tenure.

5. Moreover, the fact that in 1993 Palmer chose to adopt an "all-talk" format for WNOG-FM is irrelevant to this allotment proceeding. The Commission has consistently stated that "program formats are by their nature transitory, and we have accordingly refused to consider them in designing and implementing our allocation system." AM Station Assignment Standards, 54 F.C.C.2d 1, 22 (1975), citing Mel-Lin, Inc., 22 F.C.C.2d 165 (1970).

Compare WNCN Listeners Guild v. FCC, 450 U.S. 582 (1981) (FCC is not required to review entertainment programming format changes in connection with transfer, assignment, and renewal applications, and First Amendment does not in fact contemplate such review).

6. Palmer also claims that the proposed frequency change would require WNOG-FM either to reduce its power or to cease operations because a Federal Aviation Administration ("FAA") study predicted potential intermodulation interference with the Collier County Very High Frequency OmniRange ("VOR") facility (now designated as the "Cypress VOR"). Palmer recites that on July 7, 1994, it requested the FAA to conduct an aeronautical study of the proposed modification of its facilities. In response, Palmer received a conditional Determination of No Hazard. The condition relates to the predicted potential intermodulation interference. It would require WNOG-FM to reduce power, cease operation, or take corrective action should actual interference be reported. The condition expires after one year of interference-free operation. See Palmer Comments at Exhibit B.

7. The threshold question that arises is why Palmer took it upon itself to contact the FAA in July. Notification to the FAA is required only when an applicant for a construction permit proposes to build a new tower or increase the height of an existing tower. Palmer asserts that the proposed change in frequency will require it to increase its antenna height, but it

does not indicate why this would be so. Even if Palmer would be required to replace its antenna, it provides no explanation as to why it could not mount the new antenna at the same height at its current antenna.

8. The timing of Palmer's notification to the FAA also is open to question. At the time that Palmer submitted its request for an aeronautical study, the Commission had not even released a Notice of Proposed Rulemaking in the instant proceeding. Moreover, the Determination of No Hazard obtained by Palmer has an expiration date of June 13, 1995. Palmer Comments at Exhibit B. Given that this date is only approximately three months away, and given the complexity of the instant proceeding, the chances that it will be possible for the Commission to complete the proceeding and for Palmer to prepare and file an application prior to June 13, 1995, are slim indeed. Since the Notice of Proposed Rulemaking had not been released even at the time that Palmer received its Determination of No Hazard, it had to have been aware of the great likelihood that the determination it obtained would expire before Palmer would have an opportunity to file an application. Considering these facts, it appears likely that Palmer contacted the FAA with a view toward obstructing the proposed channel change rather than preparing to make the change.

9. Assuming, *arguendo*, that Palmer would be required to notify the FAA or that the FAA would otherwise learn of the proposed change in frequency and insist on an interference analysis, Palmer has not demonstrated any significant likelihood

that its ability to operate WNOG-FM at its full authorized power would be impaired by a channel change. See Technical Comments attached hereto as Exhibit 1; Affidavit of John P. Allen, attached hereto as Exhibit 2. Gulf's engineering and aeronautical consultants opine that although Palmer would have a condition attached to its construction permit, the chances that actual interference would occur, triggering Palmer's obligation to take remedial action, are minimal.

10. As set forth in Mr. Allen's affidavit, the potential intermodulation interference reflected in the FAA's program is limited to a small area at a point 122 degrees from the Cypress VOR. Exhibit 2 at 2. This is an area in the immediate vicinity of the WNOG-FM site. Exhibit 1 at 2-3. An examination of the airspace configuration in the Naples area shows that no existing navigable airspace would suffer any substantial adverse effect from operation of WNOG-FM on the proposed frequency. Exhibit 2 at 2.

11. Furthermore, the likelihood that any actual interference would occur even in this tiny area is remote at best. As set forth in the attached Technical Comments by Jefferson G. Brock, the predicted interference is known as Receiver Induced Third Order Intermodulation Effect ("RITOIE"). This phenomenon occurs only when all of the transmitting stations involved are located in close proximity to each other. In this case, however, one of the stations entering into the mix of signals (WCKT) is well-removed from the transmitter sites of the

other two stations. Accordingly, that station, operating at 107.1 MHz, is effectively removed from the equation. Therefore, no intermodulation interference is antcipated. Exhibit 1 at 3-4.

12. Additionally, the predicted interference is not on-channel with respect to the VOR facility but rather is removed by 100 kHz from that frequency. According to Mr. Brock, in actual conditions, when the RITOIE phenomenon has occurred, it has affected only on-channel reception. Id. Since aircraft navigation receivers in use today are crystal or digitally controlled, the possibility that a receiver would suffer interference as a result of being mistuned is negligible. Thus, no actual interference with the FAA installation or aircraft receivers is expected. Id.

13. It also must be kept in mind that the prediction of intermodulation interference is based solely upon the FAA's Airspace Analysis Model, Version 4.2. Mr. Brock observes that this electromagnetic interference model has been very controversial since its use began. In a number of instances the model has predicted interference where none actually occurs. Id. For example, in one instance, the FAA model predicted that combinations of three stations' frequencies would cause on-channel intermodulation interference to an ILS system at a nearby airport, causing more than 3,000 points of interference. In that case, however, all three stations have been operational for several years, and no actual interference has been reported. Id. at 2-3. By way of comparison, Palmer's comments note only 52

points of predicted interference. Obviously, therefore, this showing hardly demonstrates any likelihood that actual interference would occur.

14. Moreover, it is clear that the FAA itself is not truly concerned that operation of WNOG-FM on the proposed frequency would cause actual interference to VOR operations. It must be emphasized that at the conclusion of its aeronautical study, the FAA issued a Determination of No Hazard, not a Determination of Hazard. Mr. Allen, a veteran observer of the FAA's approach in this area, notes that if the FAA believed that real interference would occur and affect aviation safety, it would have issued a Determination of Hazard to Air Navigation based upon its finding of intermodulation interference. Exhibit 2 at 3. See also Exhibit 1 at 4.

15. Even Palmer has itself previously indicated that it does not truly believe that the condition to be attached to any construction permit would unfairly restrict its ability to operate WNOG-FM. An examination of FAA records shows that Palmer accepted the condition on its operation on the new channel without objection. Exhibit 2 at 2. Thus, it is clear that Palmer's objection to Gulf's proposal is based simply upon a desire to avoid changing channels, and not upon any real concern as to its continued ability to operate on the new channel.

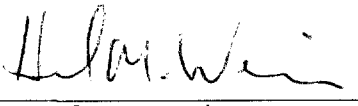
16. In sum, Palmer has objected to Gulf's proposal for the to upgrade the latter's construction permit on Channel 229C2, resulting in new FM service to some 247,873 people, because it

would inconvenience Palmer. Palmer has attempted to disguise this thin motivation with a contrived effort to secure FAA disapproval of the channel change. Palmer claims that interference to the local VOR facility would be likely and that it would be forced to reduce power drastically to avoid such interference. As demonstrated above, however, such interference is highly unlikely. Further, the FAA itself has indicated its lack of concern through its issuance of a Determination of No Hazard. Thus, Palmer's ability to operate WNOG-FM at its full authorized power would not, in fact, be impaired. Palmer's mere wish to avoid change is not sufficient to block the significant public interest benefits which would be realized as a result of the adoption of Gulf's proposal.

WHEREFORE, the premises considered, Gulf respectfully requests that the Commission substitute Channel 229C2 for Channel 229A at Estero or Tice and make the other channel substitutions as set forth in the NPRM.

Respectfully submitted,

GULF COMMUNICATIONS PARTNERSHIP

By: 

Howard M. Weiss
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Its Attorneys

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March 6, 1995

EXHIBIT 1

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

REPLY COMMENTS
MM DOCKET #94-155
GULF COMMUNICATIONS PARTNERSHIP
WAAD RADIO STATION
TICE, FLORIDA
March 1995

TECHNICAL EXHIBIT

10 SYLVAN DRIVE, SUITE 26 • P.O. BOX 24466 • ST. SIMONS ISLAND, GA 31522
912-638-8028 • 202-393-5133 • FAX 912-638-7722

REPLY COMMENTS
MM DOCKET #94-155
GULF COMMUNICATIONS PARTNERSHIP
WAAD RADIO STATION
TICE, FLORIDA
March 1995

TECHNICAL COMMENTS

These technical comments and associated exhibit were prepared on behalf of Gulf Communications Partnership ("Gulf"), permittee of WAAD, Channel 229A, Tice, Florida. Gulf is the petitioner in MM Docket #94-155. Gulf has requested the Commission make changes in the FM Table of Allotments in order to enable Gulf to upgrade WAAD to a C2 facility on Channel 229 and change its community of license to Estero, Florida. In order to accommodate the upgrade, Gulf has further requested the substitution of Channel 284A for Channel 228A at Naples, Florida; the substitution of Channel 283C for Channel 284C at Big Pine Key, Florida; and the substitution of Channel 267C2 for Channel 288C2 at Key Colony Beach, Florida.

During the comment period in MM Docket #94-155, Palmer Broadcast Group ("Palmer"), licensee of WNOG-FM, Channel 228A, Naples, Florida, filed comments in opposition to the proposed channel change at Naples.[1] Palmer, in its comments, submitted a letter from the Federal Aviation Administration which notes the potential for third order intermodulation interference to the nearby Very High Frequency Omni-range (VOR) beacon, designated

1) In addition to the Palmer comments, Amaturo Group, LTD., WSUV, Inc., GGG Broadcasting, Inc. and Glades Media Company ("Joint Commentors"), jointly files Comments and a Counterproposal. The Joint Commentors counterproposal is mutually exclusive with the proposed Gulf request. Gulf reserves the right to file timely comments on the Joint Petitioners request in a separate filing.

CCE, near Naples (Collier County), Florida. Palmer claims the FAA's concern relating to the possible interference to CCE may require the invocation of a condition (by the FCC) on WNOG-FM to reduce the power of WNOG-FM to a point where no interference occurs were it to operate on Channel 284A. Palmer notes this possible reduction of power, which in turn withdraws city grade coverage from Naples, precludes the use of Channel 284A at Naples, Florida.

Palmer also states the wide range between the present WNOG-FM frequency and the proposed frequency will necessitate the replacement of the WNOG-FM antenna. Palmer continues that the change will require major transmitter modifications to the WNOG-FM transmitter.

DISCUSSION

The Palmer concern of the potential interference of the proposed new frequency at Naples is ill founded. The phenomenon of third order intermodulation interference is well documented at the Commission. In this case, the potential problem is based on the following calculation:

107.1 MHz + 104.7 MHz - 103.1 MHz = 108.7 MHz
(WCKT) (Proposed) (WSGL)

The resulting frequency is 100 kHz off frequency of the CCE VOR which operates at 108.6 MHz. Based on Palmer's submission, the

potential interference is in the immediate vicinity of the WNOG-FM site, which is only 0.39 kilometers from the WSGL site. The scope of the potential interference problems is noted as a number of interference points to the CCE VOR. Based on this combination, Palmer notes 52 points of potential interference.

The phenomenon of third order intermodulation interference is directly related to what the FCC refers to as Receiver Induced Third Order Intermodulation Effect ("RITOIE"). By definition RITOIE is a phantom interference which is internally generated by the receiver. The phantom signal is the mathematical sum/difference of nearby station frequencies. This effect only occurs when two or more stations, within close proximity to each other, overload the RF front-end of certain less selective receivers, impacting their ability to discriminate a third off-the-air signal.

It has been our experience that the intermodulation effect is created only when the transmitting stations are all located in very close proximity to one another (within a mile or two). Further, in actual conditions when this phenomenon occurs, it has impacted only on channel reception (except in the case of a mistuned analog receiver). In this case, as noted above, 104.7 and 103.1 MHz are located only 0.39 kilometers apart. However, the 107.1 transmitter is located 22.45 kilometers from 104.7 and 22.13 kilometers from 103.1 MHz. The effectively eliminates, as a practical matter, the 107.1 MHz frequency from the calculation.

It is our experience that the area of interference will not practically exist due to the distance from the 104.7/103.1 MHz sites in relation to the 107.1 MHz site. Further, since the theoretical interference occurs 100 kilohertz off the CCE VOR frequency and to our knowledge all aircraft navigation receivers in use today are crystal or digitally controlled, no impact to this FAA installation or aircraft receivers is expected.

The FAA regularly evaluates the potential impact to its facilities caused on nearby FM broadcast stations. Several years ago the FAA began using a computer model to carry out these interference checks. This electromagnetic interference model has been very controversial since its use commenced. The FAA denial of towers, based solely on FAA objections on potential interference has sparked a series of discussions between the FAA and the FCC regarding which agency has the responsibility of frequency regulation. These talks continued and have precipitated the FCC to issue a Notice of Rule Making to improve the technical aspects of aviation receivers. Although the present FAA interference model has been significantly refined from previous versions, it still, we believe, predicts theoretical interference when as a practical matter interference does not occur.[2] Where there is an actual concern of interference, the FAA is adamant about the problem and will issue a Determination of Hazard.

2) The current FAA interference model has shown in numerous instances the potential impact to FAA facilities at airports by local area FM stations. In one case, the model determined combinations of three local stations frequencies impacted an ILS system at a nearby airport (on- channel intermodulation), causing in excess of 3,000 points of interference. In this situation, these stations have all been operational for several years and no actual reports of interference have been made.

In the case of the use of 104.7 MHz at Naples, the FAA has not denied the Palmer request. Instead, they have issued a Determination of **No** Hazard. Their only request is, should interference occur, WNOG-FM remedy the situation. It is extreme to think this remedy would result in WNOG-FM's inability to serve Naples. The same CCE VOR, as determined using the FAA model, is presently impacted by 107.1 MHz and 105.5 MHz, both operational in the Naples area (see Exhibit #1).[3] Again, the combination of these channels affects 108.7 MHz, 100 kilohertz above the CCE VOR. We are not aware of any complaints as a result of the existing stations' "interference". Nor, do we expect 104.7 MHz to cause any actual problem to CCE VOR which would require corrective action on the part of Palmer.

Palmer's statement relating to the possibilities of having to replace the WNOG-FM antenna system are well founded. A greater than 10 megahertz change is expected to necessitate a change of antenna system (unless WNOG-FM presently operates a broad band-width panel antenna). Gulf has pledged to reimburse Palmer for reasonable expenses incurred to complete the change of channels. If these costs include a replacement antenna, within reasonable cost, Gulf would reimburse Palmer for this change. To that end, Gulf will also assist Palmer with reasonable reimbursement to change the WNOG-FM transmitter to 104.7 MHz.

3) 107.1 and 105.5 are co-located on the same antenna structure.

In light of the above, Gulf requests the Commission substitute Channel 284A for Channel 228A at Naples, Florida and order WNOG-FM to change channels.

The foregoing technical comments were prepared on behalf of Gulf Communications Partnership by Graham Brock, Inc. its Technical Consultant. All of the information contained herein is true and accurate to the best of our belief and knowledge.

Airspace case #: Site: WCKT SITE -LEHIGH ACRES
Date: 03/01/95
Navaid Identifier: CCE
Navaid Frequency (MHz): 108.60

Navaid Latitude: 26. 9 12
Navaid Longitude: 81. 46 41

Navaid Elevation (Ft. MSL): 10.

Prop Stat	ID	Call	Freq (MHz)	Latitude	Longitude	ERP (Kw)	Height (MSL)	Range (NM)	Radial (True)	Lic Stat
	1	NEWx	88.10	25. 53 38	81. 16 44	16.000	151.	31.09	120.05	A
	2	WAYJ	88.70	26. 19 0	81. 47 13	50.000	413.	9.81	357.21	L
	3	WSRX	89.50	26. 7 33	81. 43 17	20.000	249.	3.47	118.40	C
	4	WSRX	89.50	26. 7 34	81. 43 18	.550	249.	3.45	118.27	L
	5	WSFP	90.10	26. 48 54	81. 45 44	100.000	840.	39.71	1.23	L
	6	WSOR	90.90	26. 20 26	81. 42 48	36.000	909.	11.76	17.23	L
	7	WSEB	91.30	26. 51 48	82. 17 54	62.000	282.	50.94	326.75	L
	8	WJYO	91.50	26. 30 18	81. 51 14	3.000	299.	21.49	349.06	L
	9	NEWx	91.70	25. 55 43	81. 43 49	18.000	157.	13.73	169.19	A
	10	WVIJ	91.70	26. 58 48	82. 4 3	.380	131.	51.98	342.61	L
	11	WGCQ	92.10	26. 21 19	81. 21 3	2.100	400.	25.99	62.21	L
	12	WGCQ	92.10	26. 21 19	81. 21 3	4.200	400.	25.99	62.21	A
	13	WKZY	92.50	26. 44 23	81. 27 44	6.000	184.	39.06	25.75	C
	14	WKZY	92.50	26. 48 46	81. 21 16	3.000	328.	45.64	29.90	L
	15	WGUF	92.70	26. 1 50	81. 38 33	4.100	331.	10.37	135.24	L
	16	WIKX	92.90	26. 53 37	82. 3 3	50.000	364.	46.77	341.75	L
	17	WNOG	93.50	26. 7 21	81. 43 22	3.000	305.	3.51	121.86	L
	18	WAAD	93.70	26. 42 56	81. 50 36	3.000	344.	33.92	354.06	C
	19	WRAO	94.50	26. 20 26	81. 42 48	99.000	1014.	11.76	17.23	L
	20	WOLZ	95.30	26. 37 25	82. 6 56	97.000	456.	33.54	327.26	L
	21	WRXK	96.10	26. 25 22	81. 37 49	99.000	1125.	18.02	26.18	L
	22	WINK	96.90	26. 48 1	81. 45 48	98.000	1352.	38.82	1.17	L
	23	NEWx	97.70	26. 30 41	82. 5 2	3.000	328.	27.06	322.57	A
	24	NEWx	97.70	26. 30 41	82. 5 2	3.000	338.	27.06	322.57	A
	25	NEWx	97.70	26. 31 2	81. 56 8	3.000	328.	23.42	338.80	A
	26	NEWx	97.70	26. 34 59	82. 1 3	3.000	328.	28.82	333.47	A
	27	WRWX	98.50	26. 32 1	82. 4 50	2.600	489.	28.02	324.52	C
	28	WGUF	98.90	25. 59 57	81. 38 38	.000	0.	11.74	141.99	A
	29	xxxx	98.90	25. 59 57	81. 38 38	.000	0.	11.74	141.99	A
	30	xxxx	98.90	26. 54 50	82. 11 40	.000	0.	50.81	333.90	A
	31	WJBX	99.30	26. 30 18	81. 51 14	50.000	295.	21.49	349.06	L
	32	WEEJ	100.10	26. 52 17	82. 10 34	100.000	449.	48.09	333.62	L
	33	W265	100 90	26. 56 15	82. 2 23	.020	144.	49.10	343.38	L
	34	WAVV	101.10	26. 10 57	81. 34 32	100.000	984.	11.04	80.88	L
	35	WHEW	101.90	26. 25 23	81. 37 7	100.000	1001.	18.32	27.92	L
	36	WROC	102.90	26. 26 0	82. 5 0	.000	0.	23.49	315.65	A
	37	WSGL	103.10	26. 7 33	81. 43 17	14.000	443.	3.47	118.40	C
	38	WSGL	103.10	26. 7 34	81. 43 18	2.000	390.	3.45	118.27	L
	39	WXKB	103 70	26. 38 19	82. 1 35	50.000	279.	32.03	335.37	L
	40	WXKB	103.90	26. 47 43	81. 48 4	100.000	1001.	38.54	358.16	C
	41	W285	104.90	25. 56 11	81. 44 0	.010	243.	13.24	169.51	L
	42	W285	104.90	26. 38 47	81. 52 6	.010	236.	29.98	350.69	L
	43	WMMY	104 90	26. 53 37	82. 3 3	6.000	322.	46.77	341.75	L
	44	WIXI	105.50	26. 19 0	81. 47 13	7.100	594.	9.81	357.21	L
	45	WROC	106.30	26. 30 18	81. 51 14	6.000	269.	21.49	349.06	L
*	46	PROP	107.10	26. 19 0	81. 47 13	25.500	722.	9.81	357.21	P
	47	W265	107 50	26. 56 18	82. 2 21	.030	92.	49.14	343.43	A
	48	W300	107.90	26. 38 57	81. 52 6	.030	299.	30.14	350.74	C
	49	VPGD	110.20	26. 54 59	81. 59 29	.100	36.	47.19	345.96	V
	50	VLBV	110.40	26. 49 41	81. 23 28	.150	32.	45.50	27.17	V
	51	VRSW	111 80	26. 31 47	81. 46 33	.150	36.	22.58	.30	V

FAA EMI MODEL SUMMARY

EXHIBIT #1

REPLY COMMENTS
MM DOCKET # 94-155
GULF COMM. PARTNERSHIP
WAAD RADIO STATION
TICE, FLORIDA
March 1995

GRAHAM BROCK, INC.
BROADCAST TECHNICAL CONSULTANTS

Interference thresholds are computed using the following:

Type of navaid antenna: VOR, Generic
Type of service volume: Terminal VOR

Listing of A2/B2 Evaluations

Freq (MHz)	ID	Call	Offset (MHz)	#Pts
107.10	(46)	PROP	1.50	8

Listing of 2-signal intermodulation (B1) combinations

Freq 1 (MHz)	ID	Call	Freq 2 (MHz)	ID	Call	IMod (MHz)	Offset (KHz)	#Pts
107.10	(46)	PROP	105.50	(44)	WIXI	108.70	100	196

FAA EMI MODEL RESULTS

EXHIBIT #1 (CONT.)
REPLY COMMENTS
MM DOCKET # 94-155
GULF COMM. PARTNERSHIP
WAAD RADIO STATION
TICE, FLORIDA
March 1995

GRAHAM BROCK, INC.
BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

State of Georgia)
St. Simons Island)ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Gulf Communications Partnership, permittee of Radio Station WAAD, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 2nd day of March, 1995

Jefferson G. Brock
Affiant

Sworn to and subscribed before me
this the 2nd day of March, 1995

Notary Public, State of Georgia
My Commission Expires: September 8, 1995

EXHIBIT 2

John P. Allen
Airspace Consultant

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(904) 261-6523
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P.O. Box 1008
Fernandina Beach, FL 32035-1008

STATE OF FLORIDA)

)

COUNTY OF NASSAU)

AFFIDAVIT OF JOHN P. ALLEN

I, John P. Allen, being first duly sworn, do hereby depose and state that I am an Airspace Consultant in private practice, with offices at 905 South 8th Street, Fernandina Beach, Florida. My qualifications are a matter of record with the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC). A brief resume is attached hereto as "Attachment A."

I have been retained by Gulf Communication Partnership, to conduct an independent aeronautical evaluation of Palmer Communications, Inc. ("Palmer") proposed alteration to their existing antenna tower located near East Naples, Florida. Specifically, I was requested to determine whether the Determination of No Hazard to Air Navigation issued by the FAA's Southern Regional Office to Palmer would severely limit Palmer's ability to function as a licensed broadcast facility as alleged by Palmer's consulting engineer.

My independent aeronautical evaluation was conducted in accordance with the standards for determining obstructions to the navigable airspace as set forth in Subpart C of FAR Part 77. My evaluation disclosed that the proposed facility would demonstrate potential electromagnetic interference to the CYPRESS VOR (Very highfrequency OmniRange) navigational facility. The potential intermodulation interference is limited to a point 122 degrees from the Cypress VOR. See Attachment "B."

Reviewing the existing airspace configuration within the Naples area did not disclose any existing navigable airspace that would be substantially adversely effected by the operation of the proposed frequency for Radio Station WNOG-FM. This finding is substantiated by the FAA in their granting Palmer a Determination of No Hazard at the requested height with the new proposed operating frequency and ERP. The FAA did issue a notice to Palmer reminding Palmer of existing FCC stipulations, regarding potential interference issues. The fact that Palmer accepted these stipulations without objection is a matter of record with the FAA. If Palmer, in fact, believed that these stipulations would severely limit their ability to operate a licensed broadcast facility, then why did they concur with the FAA's initial findings and agree to accept the imposed stipulations.

In conclusion, it is my professional opinion that the potential interference demonstrated by the FAA's Airspace Analysis Model, Version 4.2 is minimal at best. If the FAA believed that

the potential interference demonstrated by their Model was severe and derogated aviation safety, the FAA would have issued a Determination of Hazard to Air Navigation based upon their electromagnetic interference (intermodulation) findings. Obviously, the FAA did not believe that the potential intermodulation products detected by their Model justified writing a Determination of Hazard to Air Navigation and on November 3, 1994, issued a Determination of No Hazard to Air Navigation.

Respectfully submitted,

John P. Allen

Subscribed and sworn to before me, the undersigned Notary Public, this 2nd day of March, 1995, by the within-named John P. Allen, well known to me to be the person executing this document.

Mary C. Lowe

Notary Public

My Commission Expires:

OFFICIAL SEAL
MARY C. LOWE
My Commission Expires
Oct. 23, 1995